

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed 12/01/2003. In the Office Action, claims 12-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,330,670 (England). Moreover, claims 1-5 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over England in view of U.S. Patent No. 6,212,635 (Reardon) and claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over England in view of Reardon and U.S. Patent No. 6,363,485 (Adams). Applicant respectfully disagrees with the rejection.

I. § 102(E) REJECTION

Claims 12-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,330,670 (England). Applicant respectfully submits that a *prima facie* case of anticipation has not been established.

In order to anticipate a claim under 35 U.S.C. § 102(e), England must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully disagrees with the outstanding rejection as applied to independent claims 12 and 19 because England fails to teach all of the limitations set forth in these claims.

Among a variety of reasons, some of which are not set forth in detail, Applicant respectfully submits that England does not provide any teachings of a trusted platform module (or code) to produce "a combination key by combining a first incoming keying material with a second keying material internally stored within the integrated circuit." See *Page 2 of the Office Action*. Instead, England teaches the storage of a unique public/private key pair (162, 164) and the use of a chain of public/private key pairs ($K_0, K_0^{-1}, K_1, K_1^{-1} \dots$) to create an indelible boot log.

In particular, it is alleged that column 7, line 51 – column 8, line 6 & column 13, lines 60-67 of England provides teachings of a combination key as claimed. Upon review, England teaches a public/private key pair (K_{cpu} & K_{cpu}^{-1}) which is uniquely stored within a CPU (140)

along with a signed certificate (166) that the manufacturer testifies that it produced the CPU according to a known specification. *See column 7, line 51 – column 8, line 6 of England*. The public/private key cannot be construed as a combination key as claimed. Moreover, the indelible boot log is accomplished by producing subsequent key pairs which also does not teach production of a combination key by combining a first incoming keying material with a second keying material internally stored within the integrated circuit as claimed.

Withdrawal of the §102(e) rejection is respectfully requested.

II. § 103(A) REJECTIONS

Claims 1-5 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over England in view of Reardon while claims 6-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over England in view of Reardon and Adams. Applicant traverses the rejection because a *prima facie* case of obviousness has not been established. As denoted above, all limitations of the claims have not been evaluated. *See In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). As aptly stated by the Federal Circuit in *In re Evanega*, 829 F.2d 1110, 4 U.S.P.Q.2d 1249 (Fed. Cir. 1987), the “mere absence [from the reference] of an explicit requirement [of the claim] cannot reasonably be construed as an affirmative statement that [the requirement is in the reference].”

Applicant respectfully requests that the Examiner to reconsider and withdraw the §103(a) rejection of claims 1-11 based on the lack suggestion of the combination key as claimed and argued above.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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